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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,962	12/15/2003	Mark Anthony Howard	D/A 3284-US-NP-9841-028	3390
65650 7590 01/09/2008 MARGER JOHNSON & MCCOLLOM/PARC 210 MORRISON STREET SUITE 400 PORTLAND, OR 97204			EXAMINER RAYYAN, SUSAN F	
			ART UNIT 2167	PAPER NUMBER
			MAIL DATE 01/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,962

Applicant(s)

HOWARD ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-7,13-14,19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0046232 issued to Colin John Adams ("Adams") in view of US Patent Application Publication Number 2004/018487 issued to Eric A. Hanson ("Hanson") and further in view of US 2004/0199604 issued to Kurt A. Dobbins et al ("Dobbins").

As per claim 1, Adams teaches a method for fulfilling a file-sharing query (abstract), comprising:

providing a user interface (UI) to a querying user, the UI for entering a query to a metadata repository (see paragraph 18-19, Adams' central index server is taught in a manner similar to the claimed metadata repository, user entering a search request);

receiving a query from the querying user via the UI, the shared file satisfying the query based on the stored metadata (paragraph 19, transferring the search request to the central index server);

and transmitting an identification of the shared file to the querying user (paragraph 20, central index server providing the file name, file type and the category which the file is located and the file location).

Adams does not explicitly teach transmitting a client-side application to a file-sharing user having a shared file, the client-side application for generating metadata corresponding to the shared file and receiving and storing the metadata from the file-sharing user. Hanson does teach transmitting a client-side application to a file-sharing user having a shared file, the client-side application for generating metadata corresponding to the shared file and receiving and storing the metadata from the file-sharing user (paragraph 47, paragraph 65, lines 1-5, metadata associated with content such as content name , content owner and user interface to allow user to become a provider) to reduce distribution costs, facilitate distribution of content and ensure content owners receive benefits. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adams with transmitting a client-side application to a file-sharing user having a shared file, the client-side application for generating metadata corresponding to the shared file and receiving and storing the metadata from the file-sharing user to reduce distribution costs, facilitate distribution of content and ensure content owners receive benefits as described by Hanson (see summary).

Adams and Hanson do not explicitly teach bandwidth being allocated to the fie-

sharing user at a first level and wherein the bandwidth is allocated to the querying user at a second level lower than a first level. Dobbins does teach bandwidth being allocated to the file-sharing user at a first level (paragraph 111, lines 1--8, as the subscriber chooses a music selection and interactively selects a download selection) and wherein the bandwidth is allocated to the querying user at a second level lower than a first level (paragraph 111, lines 25-28, provide the transport service of high bandwidth) to enable end users to purchase higher bandwidth upon demand as a means of enhancing time-based value of content. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adams and Hanson with bandwidth being allocated to the file-sharing user at a first level and wherein the bandwidth is allocated to the querying user at a second level lower than a first level to enable end users to purchase higher bandwidth upon demand as a means of enhancing time-based value of content as described by Dobbins (paragraph 62, lines 18-21).

As per claim 3, same as claim arguments above and Hanson teaches:

said client-side application generating the metadata using an abstracting program (paragraph 49 and 67-68, purchasing side User Interface to and downloading a requested file-sharing user having a shared file, the client-side application for generating metadata corresponding to the shared file).

As per claim 4, same as claim arguments above and Adams teaches:

The method of claim 1, said UI comprising a proprietary UI of the metadata repository (paragraph 18-19, as transferring user search request to central index server).

As per claim 5, same as claim arguments above and Adams teaches:

The method of claim 1, said transmitting an identification further comprising:
transmitting a hyperlink to the querying user in response to the query, wherein a selection of the hyperlink by the querying user initiates a transmission of the shared file from the file-sharing user to the querying user (paragraphs 21-23, user selecting link to file from search results list and downloading to the client terminal).

As per claim 6, same as claim arguments above and Adams teaches:

The method of claim 1, further comprising: storing the shared file locally based on a characteristic of the shared file (paragraph 52).

As per claim 7, same as claim arguments above and Adams teaches:

said transmitting an identification further comprising: transmitting a hyperlink to the querying user in response to the query, wherein a selection of the hyperlink by the querying user initiates a transmission of the shared file from the metadata repository to the querying user (paragraph 15, lines 21-23 and paragraph 21-23, link to file identified in the search).

As per claim 13, same as claim arguments above and Hanson teaches:

The method of claim 1, further comprising: providing a payment to the file-sharing user for the shared file transmitted to the querying user (paragraph 65 and parg. 68, facilitating payment to the rights owner).

As per claim 14, same as claim arguments above and Hanson teaches:

The method of claim 13, further comprising: receiving a payment from the querying user for the shared file (paragraph 65, purchasing side provides for purchasing content, and parg. 65 a for facilitating payment to rights owner).

As per claim 19 Adams teaches:

receiving a query from a user in the searching class, the metadata satisfying the query (paragraphs 18-19, transferring the search request to the central index server);
and providing an identification of the shared file to the user in the searching class (paragraph 20, central index server providing the file name, file type and the category which the file is located and the file location).

Adams does not explicitly teach establishing at least two classes of users that interact with a metadata repository over a network, the at least two classes including a sharing class that primarily provides data and a searching class that primarily searches for data and receiving metadata identifying a shared file from a user in the sharing class. Hanson does teach establishing at least two classes of users that interact with a metadata repository over a network, the at least two classes including a sharing class that primarily provides data (paragraph 65, selling side) and a searching class that primarily searches for data (paragraph 40, user a);
receiving metadata identifying a shared file from a user in the sharing class (paragraphs 47, 65) to reduce distribution costs, facilitate distribution of content and ensure content owners receive benefits. It would have been obvious to one of ordinary skill in the art at

the time of the invention to modify Adams with establishing at least two classes of users that interact with a metadata repository over a network, the at least two classes including a sharing class that primarily provides data, a searching class that primarily searches for data, and receiving metadata identifying a shared file from a user in the sharing class to reduce distribution costs, facilitate distribution of content and ensure content owners receive benefits as described by Hanson (see summary).

Adams and Hanson do not explicitly teach higher levels of network resources are allocated to the sharing class than to the searching class. Dobbins does teach these limitations (paragraph 111, lines 1--8, as the subscriber chooses a music selection and interactively selects a download selection and paragraph 111, lines 25-28, provide the transport service of high bandwidth) to enable end users to purchase higher bandwidth upon demand as a means of enhancing time-based value of content. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adams and Hanson with higher levels of network resources are allocated to the sharing class than to the searching class to enable end users to purchase higher bandwidth upon demand as a means of enhancing time-based value of content as described by Dobbins (paragraph 62, lines 18-21).

As per claim 20, same as claim arguments above and Adams teaches:

The method of claim 19, further comprising: uploading the shared file from the user in the sharing class for distribution to users in the searching class when the shared file

satisfies a predetermined condition (paragraphs 21-23, user selecting file from search results list and downloading to the client terminal).

Claims 2, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0046232 issued to Colin John Adams ("Adams") in view of US Patent Application Publication Number 2004/018487 issued to Eric A. Hanson ("Hanson") and further in view of US Patent Application Publication Number 2002/0143976 issued to Reed A. Barker et al ("Barker") and further in view of US 2004/0199604 issued to Kurt A. Dobbins et al ("Dobbins").

As per claim 2, same as claim arguments above and Adams and Hanson and Dobbins do not explicitly teach periodically receiving and storing updated metadata from the client-side application. Barker does teach periodically receiving and storing updated metadata from the client-side application (paragraph 28) to allow a content provider to manage metadata locally and to maintain control over editing of metadata (paragraph 7, lines 1-3). It would have been obvious to one of ordinary skill in the art to modify Adams and Hanson with periodically receiving and storing updated metadata from the client-side application to allow a content provider to manage metadata locally and to maintain control over editing of metadata as described by Barker (paragraph 7, lines 1-3).

As per claim 9, same as claim arguments above and Adams and Hanson and Dobbins do not explicitly teach wherein the metadata is transmitted to at least one other metadata repository for storage and the shared file is not transmitted to any other metadata repository for storage. Barker does teach explicitly teach wherein the metadata is transmitted to at least one other metadata repository for storage and the shared file is not transmitted to any other metadata repository for storage (paragraphs 8, 28, asset provider manages metadata and distributes metadata and update metadata and metadata storage device locator) to allow a content provider to manage metadata locally and to maintain control over editing of metadata as described by Barker. It would have been obvious to one of ordinary skill in the art to modify Adams and Hanson with wherein the metadata is transmitted to at least one other metadata repository for storage and the shared file is not transmitted to any other metadata repository for storage to allow a content provider to manage metadata locally and to maintain control over editing of metadata as described by Barker (paragraph 7, lines 1-3).

As per claim 10, same as claim arguments above and Adams and Hanson and Dobbins do not explicitly teach receiving updated metadata for storage and transmitting the updated metadata to at least one other associated metadata repository to facilitate queries directed to the at least one other associated metadata repository.

Barker does teach receiving updated metadata for storage and transmitting the updated metadata to at least one other associated metadata repository to facilitate queries directed to the at least one other associated metadata repository (paragraph 28,

retrieve updated metadata) to allow a content provider to manage metadata locally and to maintain control over editing of metadata (paragraph 7, lines 1-3). It would have been obvious to one of ordinary skill in the art to modify Adams and Hanson and Dobbins with receiving updated metadata for storage and transmitting the updated metadata to at least one other associated metadata repository to facilitate queries directed to the at least one other associated metadata repository to allow a content provider to manage metadata locally and to maintain control over editing of metadata as described by Barker (paragraph 7, lines 1-3).

As per claim 11, same as claim arguments above and Barker teaches:

said transmitting the updated metadata further comprising: transmitting the updated metadata in a parallel, pair wise protocol with the at least one other metadata repository (paragraph 8, distribute updated metadata).

Claims 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0046232 issued to Colin John Adams ("Adams") in view of US Patent Application Publication Number 2004/018487 issued to Eric A. Hanson ("Hanson") and in view of US 2004/0199604 issued to Kurt A. Dobbins et al ("Dobbins") and further in view of US Patent Application Publication Number 2006/0015574 issued to Steven L. Seed et al ("Seed").

As per claim 8, same as claim arguments above and Adams and Hanson and Dobbins do not explicitly teach the characteristic comprising a threshold popularity of the shared file. Seed does teach the characteristic comprising a threshold popularity of the shared file (paragraph 44) to reduce network congestion (paragraph 10, lines 20-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adams and Hanson and Dobbins with the characteristic comprising a threshold popularity of the shared file to reduce network congestion as described by (paragraph 10, lines 20-21).

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0046232 issued to Colin John Adams (“Adams”) in view of US Patent Application Publication Number 2004/018487 issued to Eric A. Hanson (“Hanson”) and US 2004/0199604 issued to Kurt A. Dobbins et al (“Dobbins”) and further in view US Patent Application Publication 2003/0217152 issued to David J. Kasper II (“Kasper”).

As per claim 12, same as claim arguments above and Adams and Hanson and Dobbins do not explicitly teach periodically receiving updated metadata from a second metadata repository. Kasper does teach periodically receiving updated metadata from a second metadata repository (paragraphs 20-21, 48-50) to update local databases (paragraph 24). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adams and Hanson with periodically receiving updated metadata from a second metadata repository to update local databases as described by Kasper (paragraph 24).

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication Number 2002/0046232 issued to Colin John Adams ("Adams") in view of US Patent Application Publication Number 2004/018487 issued to Eric A. Hanson ("Hanson") in view of US Patent Application Publication Number 2006/0015574 issued to Steven L. Seed et al ("Seed") in view of US Patent Application Publication 2003/0217152 issued to David J. Kasper II ("Kasper") in view of US 2004/0199604 issued to Kurt A. Dobbins et al ("Dobbins").

As per claim 15 Adams teaches:

A method for facilitating file-sharing queries (see abstract), comprising:
storing the metadata locally at a first metadata repository to facilitate search queries from querying users received by the first metadata repository (paragraph 20, central index).

Adams does not explicitly teach receiving metadata files from a plurality of file-sharing users, the metadata files corresponding to shared files. Hanson does teach receiving metadata files from a plurality of file-sharing users, the metadata files corresponding to shared files (paragraph 47 and paragraph 65, lines 1-5) to reduce distribution costs, facilitate distribution of content and ensure content owners receive benefits (see summary). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adams with receiving metadata files from a plurality of file-sharing users, the metadata files corresponding to shared files to reduce

distribution costs, facilitate distribution of content and ensure content owners receive benefits (see summary).

Adams and Hanson do not explicitly teach uploading a shared file from a file-sharing user for local storage on a metadata repository when a plurality of search requests for the shared file exceed a predetermined threshold and periodically synchronizing stored metadata with a second metadata repository for facilitating queries from querying users received by the first and second metadata repositories. Seed does teach uploading a shared file from a file-sharing user for local storage on a metadata repository when a plurality of search requests for the shared file exceed a predetermined threshold (paragraph 44, lines 1-4 to reduce network congestion (paragraph 10, lines 20-21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Adams and Hanson with uploading a shared file from a file-sharing user for local storage on a metadata repository when a plurality of search requests for the shared file exceed a predetermined threshold to reduce network congestion (paragraph 10, lines 20-21).

Adams, Hanson and Seed do not explicitly teach periodically synchronizing stored metadata with a second metadata repository for facilitating queries from querying users received by the first and second metadata repositories. Kasper does teach periodically synchronizing stored metadata with a second metadata repository for facilitating queries from querying users received by the first and second metadata repositories (paragraphs 20-21, 48-50) to update local databases from master databases (paragraph 24). It would have been obvious to one of ordinary skill in the art

at the time of the invention to modify Adams Hanson and Seed with periodically synchronizing stored metadata with a second metadata repository for facilitating queries from querying users received by the first and second metadata repositories) to update local databases from master databases (paragraph 24).

Adams, Hanson, Seed and Kasper do not explicitly teach bandwidth being allocated to the file-sharing user at a first level and wherein the bandwidth is allocated to the querying user at a second level lower than a first level. Dobbins does teach bandwidth being allocated to the file-sharing user at a first level (paragraph 111, lines 1--8, as the subscriber chooses a music selection and interactively selects a download selection) and wherein the bandwidth is allocated to the querying user at a second level lower than a first level (paragraph 111, lines 25-28, provide the transport service of high bandwidth) to enable end users to purchase higher bandwidth upon demand as a means of enhancing time-based value of content. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Adams, Hanson, Seed and Kasper with bandwidth being allocated to the file-sharing user at a first level and wherein the bandwidth is allocated to the querying user at a second level lower than a first level to enable end users to purchase higher bandwidth upon demand as a means of enhancing time-based value of content (paragraph 62, lines 18-21).

As per claim 16, same as claim arguments above and Adams teaches:

The method of claim 15, wherein the queries received by the metadata repository are not transmitted to the second metadata repository and queries received by the second

metadata repository are not transmitted to the first metadata repository (paragraph 19-19).

As per claim 17, same as claim arguments above and Hanson teaches:

transmitting a client-side application to a file-sharing user having the shared file, the client-side application for generating metadata corresponding to the shared file (paragraph 47, paragraph 65, lines 1-5).

As per claim 18, same as claim arguments above and Adams teaches:

receiving a query from a querying user and transmitting an identification of a shared file satisfying the query to the querying user (paragraphs 19-20).

Response to Arguments

3. Applicant's arguments filed October 11, 2007 have been fully considered but they are not persuasive.

Applicant argues Hanson does not teach the limitation transmitting a client-side application to a file-sharing user having a shared file, the client-side application for generating metadata corresponding to the shared file.

Hanson teaches a client-side application at paragraph 68, as downloading a requested file and paragraph 4 as peer-to-peer uploading and downloading.

Hanson teaches shared files and file sharing at paragraph 4 as peer-to-peer uploading and downloading and paragraph 23, as content is transferred from one peer (provider) to another (recipient).

Hanson teaches generating metadata by the client application as (paragraph 40, DMDHP, paragraph 41, as record purchases and charges and paragraph 47-53 as user account information).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Susan Rayyan
December 18, 2007


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